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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

2018 MAY 22 PM 12: 29

DEPUTY CLERK 

Cause No.: **318 - CV1300 - L**

KURNICUS HAYES, Petitioner,)	In a removal from the 302nd District Court of Dallas County, Texas
)	
v.)	State case number: DF-10-17403
)	("In the Interest of J.I.H. and J.N.H.")
STATE OF TEXAS, ALECIA STANLEY a.k.a. ALECIA HAYES, and KENDRA S. HOOD, Respondents.)	Judge Maurice Aguilar, presiding
)	CONSTITUTIONAL QUESTIONS
)	INJUNCTIVE RELIEF SOUGHT
)	DEMAND FOR JURY TRIAL

Notice of Constitutional Questions to Federal Statute 28 USC 1443

Comes now *removal petitioner*, Kurnicus Hayes, noticing the Court and all parties in formal raising of his challenge in the alleged unconstitutionality of 28 USC § 1443, thusly:

CONSTITUTIONAL QUESTIONS:

Because out of the eight (8) different statutory authorities for removal of state court cases into the federal courts, 28 USC § 1443 also being the only one never concerned with either comity or federalism regarding whatever subject matter was filed within the state court originally, and also being wholly opposite of – indeed, even generally *mutually exclusive* of – all other seven (7) removal types in literally *all* substantive and *all* procedural respects, and existing for a wholly different purpose than all of the other seven (7) types of removal, the following questions of alleged unconstitutionality are here and now being formally raised for full briefing to follow:

- Is 28 USC § 1443 directly unconstitutional on its face for violating equal protection, class discrimination, etc., by wrongly limiting equal access of justice to only *defendant* parties?

- Is any pattern or practice of federal courts remanding 28 USC § 1443 removals, arbitrarily based on any *original state court subject matter type*, when that subject matter type is *not* one of the four (4) types excluded by 28 USC § 1445, directly unconstitutional on its face?
- Is any pattern or practice of federal courts remanding 28 USC § 1443 removals, arbitrarily based upon skin color “racial litmus test” screening, directly unconstitutional on its face?
- Is any pattern or practice of federal courts remanding 28 USC § 1443 removals, based on any ‘abstention’ or ‘avoidance’ doctrines, i.e., principles of comity and federalism, i.e., any attempts by federal courts to “*abstain*” from *intervening* within a state court matter, all directly unconstitutional on its face, when the express statutory language, the letter, the spirit, and the unambiguously clear mandate of 28 USC § 1443 are all, in fact, precisely about doing just exactly that by nature, *purposefully intervening* into a state court matter?

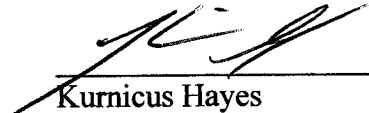
REQUIRED F.R.Cv.P. Rule 5.1(a)(1) LISTING:

The required listing of papers herein relevant to the discussion of this issue include at least:

- a) the filing entitled, Notice Distinguishing Between the Two Basic Types of Removal;
- b) the filing entitled, Notice of Pre-Emptive Constitutional Challenge to the Unlawful Discrimination of Separate Racial Classes via *Georgia v. Rachel*;
- c) the filing entitled, Memorandum of Law Clarifying Established Federal Jurisdiction;
- d) and, the filing entitled, Notice of Petition; and, Verified Petition for Warrant of Removal, and the same as may be amended.

WHEREFORE, the undersigned *removal petitioner* requests the Court now formally certify the same constitutional challenge in question to the U.S. Attorney General, pursuant to F.R.Cv.P. Rule 5.1(b) and 28 USC § 2403(a), and prays for all further relief true and just in the premises.

Respectfully submitted,


Kurnicus Hayes
828 Luxor Court
Grand Prairie, TX 75052
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Pro Se Petitioner Party of Record

CERTIFICATE OF SERVICE

I hereby certify: that on this _____ day of May, 2018, a true and complete copy of the above *notice of constitutional questions*, by depositing the same via first class postage prepaid mail, USPS or equivalent postal carrier, has been duly served upon the following:

(United States Attorney General)
Attorney General Jeff Sessions
c/o U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

(Respondent State of Texas)
State of Texas
c/o Attorney General Kenneth Paxton
P.O. Box 12548
Austin, TX 78711-2548

(Respondent Alecia)
Alecia Stanley
10111 Morgan Meadow Lane
Dallas, TX 75243

(Respondent Kendra)
Kendra S. Hood, SBN #24091676
OAG, Child Support Division
400 S. Zang Blvd
Dallas, TX 75208-6652

and, I further certify that the mailing sent to certain recipient listed above, U.S. Attorney General Jeff Sessions, was sent via certified mail with return receipt requested.


Kurnicus Hayes